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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,388	06/05/2001	Naozumi Jogo	Q64739	4587

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SUGHRUE, MION, ZINN
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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
2672	11

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,388

Applicant(s)

JOGO, NAOZUMI

Examiner

Motilewa A. Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is responsive to the following communication: Application, filed 06/05/2001; Amendment A, filed 06/05/2001.

This action is made final.

2. Claims 1-16 are pending in this application. Claims 1 and 5-7 are independent claims.

3. The present title of this application is "Image Croppin and Synthesizing Method, and Imaging Apparatus" (as originally filed).

Response to Arguments

4. Applicant's arguments, see pages 4-9, filed in Appeal Brief on 08/18/2004, with respect to claims 1-16 have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki, U.S. Patent Publication Number 2001/0026371 in view of Luo, U.S. Patent Number 6,654,506.

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Regarding claim 1, Nozaki discloses a method of cropping and synthesizing an image on a screen comprising the steps of: displaying a crop boundary with a reference point on an image to synthesize on said screen (figure 7, intersection of cross bar, which Examiner interprets as a reference point) upon selection a template having at least a frame (figure 9, paragraph 0045, an operator selects one of the size select switches, which Examiner interprets as a template having a frame), said crop boundary having a corresponding shape to that of said frame of said selected template . . . variable in size . . . and centered on said reference point (paragraph 0043, figure 7, a cursor for a positioning routine, which Examiner interprets as a crop boundary, being centered about a midpoint) moving said crop boundary on said screen through an operation device to place said reference point of said crop boundary on an appropriate point of said image to synthesize (paragraph 0043, moving the cursor to determine the middle position of the image); thereafter enlarging or reducing said crop boundary of said reference point, to bound an appropriate area of said image to synthesize (paragraph 0043, a zoom-mode image size adjusting process); cropping an image of said bounded area (paragraph 0044, a trimming process to determine the compositions for the image);

However, it is noted that Nozaki fails to disclose pasting said cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with the size of said frame of said template.

Iwade discloses an image synthesizing method in which an image is synthesized from a corresponding scanned image and a computer image. Iwade

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further discloses pasting said cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with the size of said frame of said template (col. 7, lines 55-60, a cut image, i.e. cropped image, is automatically magnified, i.e. the enlarged or reduced, and pasted into a region)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the crop image processing as disclosed in Nozaki, the pasting of a cut, i.e. cropped, with automatic magnification as disclosed in Iwadate, to allow a user to easily coincide a cut image into a desired image without unnecessary cropping to estimate the proper size of an image to be pasted in a desired region.

Regarding claim 2, Nozaki discloses said reference point is located inside said crop boundary at a constant position relative to said crop boundary. (figure 7)

Regarding claim 3, Nozaki discloses cropped image is automatically enlarged or reduced in accordance with the size of said frame of said selected template.

(paragraph 0043)

Regarding claim 4, Nozaki discloses displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . and moving at least one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point . . . (paragraph 0043)

Regarding claim 5, Nozaki discloses an image cropping method comprising the steps of: displaying an image on said screen (figure 5, paragraph 0041, displaying images in a windows on the screen); displaying a crop boundary with a reference point on said image on said screen . . . crop boundary having an equal aspect ratio to that of

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said designated frame size . . . (figure 7, paragraph 0043, a preview window is formed and an image is displayed with a cursor, which Examiner interprets as a crop boundary); moving said crop boundary on said screen through an operation device, to place a predetermined reference point of said crop boundary . . . enlarging or reducing said crop boundary about said reference point . . . (paragraph 0043, the cursor, i.e. crop boundary, may be moved to determine the middle position of the image)

However, it is noted that Nozaki fails to disclose enlarging or reducing said cropped image in accordance with said frame size.

Iwadata discloses an image synthesizing method in which an image is synthesized from a corresponding scanned image and a computer image. Iwadata further discloses pasting said cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with the size of said frame of said template (col. 7, lines 55-60, a cut image, i.e. cropped image, is automatically magnified, i.e. the enlarged or reduced, and pasted into a region)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the crop image processing as disclosed in Nozaki, the pasting of a cut, i.e. cropped, with automatic magnification as disclosed in Iwadata, to allow a user to easily coincide a cut image into a desired image without unnecessary cropping to estimate the proper size of an image to be pasted in a desired region.

Regarding claim 6, Nozaki discloses an image cropping method comprising the steps of: displaying an image on said screen (figure 5) displaying a crop boundary with a reference point on said image on said screen . . . crop boundary having an equal

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aspect ratio to that of said designated frame size . . . and being centered . . . (figure 7); displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . ; (figure 7) moving said crop boundary together with said reference lines on said screen through an operation device . . . (paragraph 0043); moving at least one of said reference line on said screen through said operation device while keeping said reference point on said appropriate point of said image . . . (paragraph 0044); enlarging or reducing said crop boundary about said reference point automatically . . . (paragraph 0044); cropping an image of an area of said image . . .

However, it is noted that Nozaki fails to disclose enlarging or reducing said cropped image . . .

Iwadata discloses an image synthesizing method in which an image is synthesized from a corresponding scanned image and a computer image. Iwadata further discloses pasting said cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with the size of said frame of said template (col. 7, lines 55-60, a cut image, i.e. cropped image, is automatically magnified, i.e. the enlarged or reduced, and pasted into a region)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the crop image processing as disclosed in Nozaki, the pasting of a cut, i.e. cropped, with automatic magnification as disclosed in Iwadata, to allow a user to easily coincide a cut image into a desired image without unnecessary cropping to estimate the proper size of an image to be pasted in a desired region.

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Regarding claims 7 and 8, they are rejected based upon similar rational as above independent claim 1 and dependent claim 4.

Regarding claim 9, Nozaki discloses display device displays samples of said different kinds of templates on said screen in a small size before one of said templates is selected. (figure 9, paragraph 0045, displaying six size-select switches)

Regarding claim 10, Nozaki discloses display device displays a plurality of images in a small size on said screen, among which said image to synthesize may be selected from and is displayed in a large size after being selected. (figures 5 and 7, paragraph 0041, images are displayed in three windows and three or more photo images are take at a time, and paragraph 0043, one a photo is selected it is displayed in a screen in a preview window)

Regarding claim 11, Nozaki discloses display device displays said synthesized image on said screen after said image synthesizing device completes pasting said cropped image in said frame of said template. (figure 9)

Regarding claim 12, Nozaki discloses an image input device for inputting image data, and a printer for printing out said synthesized image. (figure 1 C, camera and P, printer, figure 2, C, camera and P, printer)

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Regarding claims 13-16, Nozaki discloses the appropriated area of said image corresponds to a region of interest selectable by a user. (paragraph 0036, the user selects the operations and menu for the processing of the image through a graphical user interface, which Examiner interprets as a user selectable area corresponding to a region of interest)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson
Examiner
Art Unit 2672


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